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February 27, 2015

VIA ECF

Honorable Judge Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 12D  
New York, NY 10007

Re: Rio Tinto plc v. Vale S.A., et al., Civil Action No. 14-cv-3042 (RMB) (AJP) (S.D.N.Y.)

Dear Judge Berman:

On behalf of defendant Vale S.A. ("Vale"), we write regarding the Settlement Conference scheduled before Your Honor this Monday, March 2 at 2:30pm. We were just surprised to learn from Plaintiff Rio Tinto plc at our periodic discovery conference before Judge Peck that it does not intend to appear with a principal, although it has one available. Consistent with your Honor's prior instructions, Vale intends to bring a principal to the conference – who will travel from abroad – and requests that the Court direct all the parties to bring their principals.

Specifically, at the initial conference in this case and under the Case Management Plan, the Court ordered the parties to attend a settlement conference with "principals." (Dkt. No. 35). That conference was originally scheduled for December 1, 2014. (*Id.*). On November 26, 2014, the Court adjourned the Settlement Conference to hold oral argument on Defendants' *forum non conveniens* motion (Dkt. No. 126), and rescheduled the conference for this Monday. Although the Court did not repeat in the new scheduling Order the directive that principals attend the Settlement Conference (*see* Dkt. No. 163), the Court did not vacate its prior directive, and Vale has always understood (consistent with Your Honor's practices) that for a Settlement Conference before the Court to be productive principals should be present.

Hon. Richard M. Berman, p. 2

Accordingly, Vale respectfully requests that the Court reiterate its order that all parties appear with their principals at the Settlement Conference.

Respectfully submitted,

/s/ Jonathan I. Blackman  
Jonathan I. Blackman

Cc: All counsel of record